

Applicant: Lionel Foster et al.  
Appl. No.: 10/577,852

## **REMARKS**

### **I. INTRODUCTORY REMARKS**

The Applicant thanks the Examiner for the careful consideration of this application. The Office Action dated March 20, 2009 has been received and its contents carefully considered. Applicant amends claims 1, 13, 15, and 16. The substance of claim 14 is incorporated into claim 1; therefore, claim 14 is cancelled, without prejudice. Claims 5, 22, and 23 remain cancelled. Claims 1-4, 6-13, and 15-21 are currently pending. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

### **II. CLAIM REJECTIONS UNDER 35 U.S.C §112**

On page 2 of the Office Action, claims 13-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant amends claim 13 to remove the term “preferably” from the claim. Claim 14 is herewith cancelled. Accordingly, Applicant regards the rejection to claim 14 moot. Applicant respectfully requests the rejections to be reconsidered and withdrawn.

### **III. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)**

On page 2 of the Office Action, claims 1-4 and 6-12 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,840,556 to Catlett in view of U.S. Patent No.

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2,749,173 to Peterson and either U.S. Patent No. 964,432 to Kemmler or U.S. Patent No. 5,009,558 to Savedra, Jr.

**A. CLAIM 1**

Applicant amends claim 1 to include the substance of claim 14. The Action indicates the subject matter of claim 14 as allowable as long as claim 14 overcomes the §112 rejection. Given the amendment to claim 1, Applicant regards the §103(a) rejections to claim 1 as moot. Applicant respectfully requests reconsideration and withdrawal of the §103(a) rejection to claim 1.

**B. CLAIMS 2-4 AND 6-12**

Claims 2-4 and 6-12 depend from amended claim 1, which, as demonstrated above, is patentable over the above cited references for at least the same reasons as claim 1. Reconsideration and withdrawal of the §103(a) rejections is respectfully requested.

**IV. ALLOWABLE SUBJECT MATTER**

Applicant thanks the Examiner for the indication of the allowable subject matter in claim 21 and for the indication that claims 14-20 would be allowable if rewritten to overcome the §112 rejections. Applicant respectfully submits the §112 rejections are herewith overcome. Applicant respectfully submits that all the application is in condition for allowance.

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**V. SUPPLEMENTAL APPLICATION DATA SHEET**

On March 31, 2009, Applicant submitted a Supplemental Application Data Sheet.

Applicant herewith highlights the filing of March 31, 2009 and requests confirmation of acceptance of the filing.

**VI. CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated May 15, 2009

Respectfully submitted,

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